

MAINE STATE LEGISLATURE

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AK
R. O'F.S.

L.D. 191

(Filing No. H- 346)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
116TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 146, L.D. 191, Bill, "An Act to Ensure Appropriate Community-based Treatment of Nonviolent Juvenile Offenders"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

Sec. 1. 34-A MRSA §1210, sub-§6-A, as corrected by RR 1991, c. 2, §127, is amended to read:

6-A. Funds to be used for community corrections programs. Thirty percent of all funds claimed by each county for reimbursement under this section must be retained by the department until the county demonstrates that the retained funds will be used for community corrections programs, as described in subsection 1, paragraph B, that are developed as part of a comprehensive local plan approved by the commissioner. One half of the retained funds must be retained until the county demonstrates that the funds will be used for adult programs, and 1/2 of the retained funds must be retained until the county demonstrates that the funds will be used for juvenile programs. All funds retained by the department under this subsection not released by the end of the year may not lapse, but must be carried forward into subsequent years, with each county's funds carried over for that county. Upon application to the department, a county may shift funds from the funds retained and available for adult programs pursuant to this subsection to juvenile diversion programs. All funds not committed by any county after 3 years from the date the county's claim is approved by the department must be placed by the department in a pool from which supplementary funds periodically must be made available to all counties on a competitive basis. Annually, by September 1st, the commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over corrections matters a

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2 report of the activity in the prior fiscal year of the funds retained under this subsection, including the following:

- 4 A. The amount retained from each county;
- 6 B. The amount of any funds that have been carried over from previous fiscal years for each county;
- 8 C. The amount released to each county; and
- 10 D. The specific programs for which funds were released for
- 12 each county, including an indication of whether each program
- 14 serves juveniles or adults.

16 **FISCAL NOTE**

18 The Department of Corrections will incur some minor additional costs to review county requests to apply funds retained for adult diversion programs for use in juvenile programs. These costs can be absorbed within the department's existing budgeted resources.

24 The authorization to shift funds may decrease General Fund revenues from interest income.'

28 **STATEMENT OF FACT**

30 The bill required the Department of Corrections to make available \$200,000 from funds appropriated for juvenile programs that remain unobligated. The amendment states that funds being retained by the department, pending demonstration by the county of an adult community corrections program, may be shifted to juvenile diversion programs.

36 The Department of Corrections prepared the following correctional impact statement on the original bill pursuant to the Maine Revised Statutes, Title 34-A, section 1402. "This bill requires the Department of Corrections to take \$200,000 during fiscal years 1993-94 and 1994-95, funds set aside for juvenile programs prior to July 1, 1992 under the provisions of the community corrections programs, Maine Revised Statutes, Title 34-A, section 1210, subsection 6-A, that remain unobligated by counties for juvenile programs. These funds would then be made available to those counties that operate juvenile diversion programs.

48 At the present time a total of only \$70,772 remains unobligated by 3 counties for juvenile programs. They are as follows: Oxford County \$29,261; Sagadahoc County \$23,985; and

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2 Lincoln County \$17,526. This falls short of the \$200,000 during
fiscal years 1993-94 and 1994-95."

Reported by the Joint Select Committee on Corrections
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COMMITTEE AMENDMENT